

REMARKS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 21 - 33 are pending in the application. Currently, no claim stands allowed.

By the present amendment, claim 23 has been placed into independent form and has been amended to be consistent with a proposal made during the interview held on June 17, 2003. The instant amendment does not raise any issue of new matter and does require any further search or further consideration by the Examiner. Thus, it should be entered.

In the office action mailed April 3, 2003, claims 21 - 26, 28, and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Tryon reference of record. Additionally, claims 27, and 30 - 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tryon and further in view of the Palmer reference of record.

The foregoing rejections are traversed by the present response.

The Examiner is thanked for the courtesy of conducting a personal interview with the undersigned attorney on June 17, 2003. During the interview, the rejections of record were discussed. Also discussed was an amendment to the

claims, which amendment is reflected herein as amended claim 23. While no agreement was reached during the interview, the interview was helpful in gaining an understanding of the Examiner's position.

The present invention relates to a decoy comprising a three dimensional main body and a photograph containing animal features non-adhesively incorporated into the main body. In a preferred embodiment, the photograph is screen printed onto the main body. There is an advantage to the present invention in that it eliminates the effect that water has on photographs which are adhesively applied. It also eliminates the need for the protections that Tryon must place on his photographs to protect them from environmental damage.

The present invention also relates to a kit comprising a three-dimensional decoy main body having incorporated therein a photograph containing animal features, an orifice in the main body, and at least one head having a flange insertable into the orifice.

The rejection of claims 21 - 26, 28 and 29 fails because the Tryon reference does not teach or suggest a decoy having a photograph containing animal features non-adhesively incorporated into the main body. The Examiner, in making this rejection takes notice that Tryon uses an

adhesive to attach the photograph to the main body. He then goes on to take the position that it would have been obvious to employ other means to attach the photographs since the function is the same. The rejection fails because the Examiner has not cited any reference which would teaches or suggests non-adhesively incorporating the photograph containing the animal features into the main body. Further, the Examiner provides no statement as to what would motivate one to make such a modification.

With regard to claim 22, the Examiner has failed to cite any reference which teaches or suggests incorporating the photograph into the body by screen printing.

With regard to new independent claim 23, this claim is allowable for the same reason as claim 21. It is also allowable because Tyron does not teach or suggest forming the main body from a sheet of polymeric material and incorporating the photograph into the body by printing.

Claim 24 is allowable because Tryon does not teach or suggest embossing a surface of the main body with animal features. The eyes in Tryon are part of the photograph adhesively applied to the sides of the decoy.

Claim 28 is allowable for the same reasons as claim 21 and further, because Tryon does not teach or suggest a

decoy having a screen printed photograph incorporated into its body.

Claim 29 is allowable for the same reasons as claim 28 and further because the photograph in Tryon has not been corrected to allow it to be screen printed onto the body.

With regard to the rejection of claims 27 and 30 - 33 over the combination of Tryon and Palmer, it is submitted that Palmer does not cure the deficiencies of Tryon. The Palmer decoy does not have any photographs incorporated into its body. Claims 27 and 30 - 33 are allowable for the same reasons as claim 21, as well as on their own accord.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

A notice of appeal is appended hereto in the event that the Examiner decides to maintain the rejections of record.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is invited to contact Applicant's attorney at the telephone number listed below.


A check in the amount of \$320.00 is enclosed herewith to cover the cost of the notice of appeal. Should the Commissioner determine that an additional fee is due, he is

hereby authorized to charge said fee to Deposit Account No.
02-0184.

Respectfully submitted,

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By


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on June 26, 2003.


Nicole Motzer

MARKED-UP VERSION OF AMENDED CLAIM

23. (Amended) A decoy [according to claim 21, wherein]
comprising a three dimensional main body and a photograph
containing animal features non-adhesively incorporated into
said main body by printing, and said main body [is] being
formed from a flexible polymeric sheet material in the
shape of an animal body.